

Minutes

Amherst Charter Commission meeting of January 11, 2017

Members Present: Andy Churchill, Tom Fricke, Meg Gage, Nick Grabbe, Mandi Jo Hanneke, Diana Stein. Members Absent: Julia Rueschemeyer, Irv Rhodes, Gerry Weiss. Consultants Present: Tanya Stepasiuk and Michael Ward. In attendance: Richard Morse, Jackie Churchill, Irma Gonzalez, Ted Parker, Alan Powell, Marcie Sclove, Walter Wolnik, Larry Kelley, Paola Di Stefano, Janet McGowan, Jacqueline Maidana

AGENDA

1. Call to order, approve agenda, approve minutes (5 minutes) 2. Commission timeline discussion (15 minutes) 3. Continue deliberating on Executive, Legislative, and Citizen Participation/Relief elements (1 hour, 45 minutes) 4. Planning for January 19th meeting (15 minutes) 5. Public comment (10 minutes) 6. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting. 7. Adjourn

The meeting was called to order at 7:02 p.m. in the Amherst Police Station Community Room. The minutes of the previous meeting were approved. Gage discussed the dates for more listening sessions in February and March.

TIMELINE DISCUSSION

Stepasiuk said the schedule is tight, but there is some wiggle room at the end. It's possible the commission may want to create working groups of two or three members each for some sections, such as Administrative Organization, Financial and Fiscal Procedures, and Transition Provisions, to speed up the process. These working groups could propose changes or bring language to the entire commission, she said. Gage said that subcommittees don't want to spend time working on something that is not legal. Some commissions combine School Committee and Other Offices in one section of the charter.

Ward: On administrative structure, some charter commissions ignore it, others delve into it, and some pick one or two things they want to fix. In Framingham, the commission considered four or five major motions at the very end; that could happen in Amherst as late as May, June or July.

Gage said the commission should discuss different ways to handle zoning and be creative, because if zoning changes that affect neighborhoods are voted with no way to engage citizens, it could lead to civil disobedience. Churchill said there are citizen participation mechanisms that can be plugged into different parts of the charter. "A council form doesn't mean we won't have citizen participation."

Churchill said that at the Jan. 19 meeting, the group will compare town meeting-based and council-based forms of government, with the commission able to consider a motion for a change of direction if it so desires. On Jan. 25, the commission will hear from Northampton mayor David Narkewicz and South Hadley town manager (and former Holyoke mayor) Michael Sullivan.

DELIBERATIONS

The commission decided that a quorum on the 13-member council will be seven members, with a roll call required for every vote. The commission decided that the council will be called a "town council" and that they will enact "bylaws," not "ordinances." Stepasiuk said that bylaws passed by a council don't have to be approved by the Attorney General's office. Grabbe said that Greenfield has a mayor/council form of government but is known as the Town of Greenfield. Ward said there are many other such towns.

In Section 2-6c-i, the commission decided to require that the council hold regular meetings not less than once a month. Gage asked that the phrase “provided, however” be deleted. On a requirement for a period of public comment at meetings, Hanneke said there could be good reasons, such as contract negotiations, not to have one, noting that the commission didn’t have public comment at its pre-Town Meeting meeting. Fricke said it may be adequate to say the “council may promulgate rules” on public comment. Gage said if a council didn’t want the public to speak, that would be extraordinary.

In Section 2-6c-ii, the commission decided that three council members would be necessary to call special meetings, for example in cases where a chair refuses to put something on the agenda.

In Section 2-6c-iv, the commission decided that minutes of council meetings include a record of each vote taken by each member. Stein said the number of meetings should be left to the council.

In Section 2-7b, Hanneke said she didn’t like the last phrase, “...and not within the jurisdiction of the school committee,” but it was retained. Churchill said he wouldn’t want an “end run” around the School Committee over, say, the math curriculum.

In Section 2-7c, the commission said that the mayor should attend council meetings when requested by the council “except for illness or distance.” Hanneke said a mayor might want a more knowledgeable person to answer the council’s questions. Stein said the mayor could bring that person, but should be responsible for being there. Ward said that in Northampton, the mayor used to chair council meetings, but this practice has been phased out in most places.

In Section 2-8, there was a discussion of appointments by the council. Stepasiuk said this can be such positions as clerk of the council, auditor, comptroller or director of community engagement. Churchill asked would the mayor run day-to-day operations and be allowed to pick his or her own team. Stepasiuk said a strong mayor appoints all department heads without council approval, while a weaker mayor submits appointments to council approval. Gage cautioned about a mayor appointing people he or she likes, not based on qualifications, “based on comfort rather than what the town needs.” She mentioned that if you are of a certain race or class, you tend to pick people who look like you. This does not lead to diversity. Ward said most charters require evidence of competence, while Stepasiuk said that the human resources principles currently in practice would remain.

Churchill asked if a mayor leaves office, does the police or fire chief remain? Stein said search committees for these positions worked well. Stepasiuk said there could be a line requiring search committees. Ward said department heads are professionals with experience, and these positions typically require contracts, and that employees in professional positions typically stay on when a new mayor takes over. It was agreed to hold off on this section until later in the process.

In Section 2-9-a, the text was revised to read, “...every adopted measure NOT VETOED shall...” On Section 2-9-b, on emergency measures, the commission agreed to delete the two sentences “No measure making a grant...shall be made by ordinance.” In Section 2-9-c, “charter objection” should be called “motion to postpone vote,” Ward said. The commission decided to change the title but leave the text unchanged.

In Section 2-11, on filling of vacancies, Stepasiuk said in some charters, seats go to the next highest vote-getter, who is sometimes required to reach a threshold of votes, while other charters require special elections and others have vacancies filled by the council. Gage said a special election might not be worth the cost, while Fricke said that if there was a competitive election and the two top vote-getters had very different ideas, it would be “weird” to replace the top vote-getter with the runner-up. Hanneke said that ranked-choices could be used, and it’s not worth having a special election within six months of a regular

election. Stepasiuk said that if at-large councilors have four-year terms, if something happens to one of them six months into a term, a vacancy would not be a good idea. Grabbe said that a caucus in the precinct could fill vacancies of district councilors. Hanneke proposed that if a vacancy occurred in a district councilor seat with nine or more months left in a term, there would be a special election. With at-large councilors, if a vacancy occurs within the first 15 months of the term or between months 24 and 39 of the term, there will be a special election to fill the remainder of the full 4 year term. In the vacancy occurs within months 16-24, the council would appoint an interim councilor to fill the seat until the next regular election, and a new councilor would be elected at the next election to fulfill the remaining 2 years of the term. If the vacancy occurs between months 39 and 48, the council will appoint an interim councilor to fill the seat for the remaining term.

Churchill said he'd like to revisit the four-year term for at-large councilors, because he was concerned that people might not run for a term that long. Grabbe asked the consultants to explain why Framingham included this provision in its new charter. Ward said at-large councilors have more time for long-range thinking and can propose controversial things. Stepasiuk said at-large campaigns are more expensive and take longer, adding that most towns have two-year terms for all councilors.

There was a discussion of neighborhood councils. Churchill said that in Northampton, some wards have developed them while others have not. He saw some value in them as incubators of greater public involvement, and compared them to Amherst's school councils as a stepping stone to school committee. Also, district councilors can use them to communicate with constituents, who would have a regular opportunity to give input on policies and hear about other opportunities to participate. He said he's not sure if they should be elected. Gage noted that in Washington, D.C., they are elected and have a formal role, whereas in Cambridge's "culture of seriousness" they are not elected. Hanneke spoke about how in Portland, OR there is an Office of Neighborhood Involvement charged with promoting a culture of civic engagement, interacting with neighborhood groups. In other places, neighborhood groups define themselves and file for recognition. Grabbe said this would be an opportunity for Town Meeting members to stay involved.

Ward cited Somerville's Resi-stat, in which there are data-driven presentations in neighborhoods on how to improve services. Gage said she's worried about factions if the members of a neighborhood council are self-declared. Fricke said they could be a mechanism for communication with government and get people to talk to each other. Churchill suggested talking to Narkewicz about how they work in Northampton.

PUBLIC COMMENT

Wolnik questioned the 100 Town Meeting members on Fricke's sheet. Hanneke said that was just an example of what might happen. Gonzalez said she was impressed by the commission's deliberations.

NEXT MEETING

Churchill passed out a sheet called "Side by Side Comparison Template" that will allow commission members to list the features and values/priorities benefits and priorities of the "Best Town Meeting" and "Best Council" forms of government. Stein discussed Brookline's effective Town Meeting. Churchill said, "We need to bring forward what we think is the most effective." Hanneke said for a side-by-side comparison, the commission needs to be able to talk about the same form of the current system.

The meeting adjourned at 9:38 p.m.

Respectfully Submitted,
Nick Grabbe

Documents Presented:

- Revised Timeline for Commission's work
- Side by Side Comparison Template
- Tom Fricke's example of such a comparison
- "Meaningful and Authentic Participation: What does it mean and how can we ensure it in Amherst?"
by Mandi Jo Hanneke